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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,477	11/27/2001	Kevin Dotzler	09752-120001	2309

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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,477

Applicant(s)

DOTZLER ET AL.

Examiner

TUAN A. PHAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-5, 7-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartzman et al. (U.S. Patent No.: 5,479,474, hereinafter, "Schwartzman") in view of Murray et al. (U.S. Patent No.: 6,546,101, hereinafter, "Murray").**

Regarding claim 1, Schwartzman teaches a method of providing an indication of a clear channel in a half duplex communication in a wireless communication system having a full duplex communication and the half duplex communication, the method comprising (see figure 1, col.1, ln.15-60):

determining whether a current operation is in the full duplex communication or in the half duplex communication (see figure 1, col.1, ln.1-7, col.3, ln.55-67, col.4, ln.20-26),

monitoring the channel for incoming data when the operation is in the half duplex communication (see col.5, ln.10-40), and

deciding whether any incoming data is being receive (see col.5, ln.10-40).

It should be noticed that Schwartzman fails to teach providing a first indication based on the decision. However, Murray teaches such features (see figure 1, LED 108, col.2, ln.1-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Muray into view of Schwartzman in order to indicate to the use at suggested by Murray at column 1, lines 35-48.

Regarding claim 2, Murray further teaches the method and apparatus, further comprising providing a second indication when the channel is busy (see col.3, ln.12-29).

Regarding claim 3, Murray further teaches the method and apparatus wherein the first indicator is a light emitting diode of a first color (see col.3, ln.12-29).

Regarding claim 4, Murray further teaches the method and apparatus wherein the second indicator is a light emitting diode of a second color (see col.3, ln.12-29).

Regarding claim 5, Murray further teaches the method and apparatus wherein the first indicator is an audible tone (see col.2, ln.24-32).

Regarding claim 7, Schwartzman teaches a telephone that is used in a full duplex communication and in a half duplex communication, the telephone comprising: data detection circuitry which detects incoming traffic on a channel during the half duplex communication (see figure 1, voice detector 6, col.5, ln.10-40).

It should be noticed that Schwartzman fails to teach a first indicator which activates when the data detection circuitry detects the incoming traffic on the channel. However, Murray teaches such features (see figure 1, LED 108, col.2, ln.1-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Muray into view of Schwartzman in order to indicate to the use at suggested by Murray at column 1, lines 35-48.

Regarding claim 8, Murray further teaches the method and apparatus, further comprising providing a second indication when the channel is busy (see figure 1, LED 110, col.2, ln.1-23).

Regarding claim 9, Murray further teaches the method and apparatus wherein the first indicator is a light emitting diode of a first color (see col.3, ln.12-29).

Regarding claim 10, Murray further teaches the method and apparatus wherein the second indicator is a light emitting diode of a second color (see col.3, ln.12-29).

Regarding claim 11, Murray further teaches the method and apparatus wherein the first indicator is an audible tone (see col.2, ln.24-32).

Regarding claim 12, Murray further teaches the telephone wherein the first indicator is a liquid crystal display (see col.1, ln.35-36).

Regarding claim 14, Murray further teaches the telephone wherein the first indicator sounds an audible tone upon activation (see col.2, ln.24-32).

Regarding claim 15, Murray further teaches the method wherein the first indication is provided when the channel is clear (see figure 1, LCD 110, col.2, ln.1-20).

Regarding claims 16-17, Schwartzman further teaches the method wherein the half duplex communication is used during a speakerphone mode (see figure 1, speaker 1, col.5, ln.10-40).

4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartzman et al. (U.S. Patent No.: 5,479,474, hereinafter, "Schwartzman") in view of Murray et al. (U.S. Patent No.: 6,546,101, hereinafter, "Murray") as applied to claims 1 and 7 above, and further in view of Son et al. (U.S. Patent No.: 6,212,408, hereinafter, "Son").

Regarding claims 6 and 13, Schwartzman and Murray, in combination, fails to teach the indication by vibrating. However, Son teaches such features (see col.15, ln.20-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Son, into view of

Schwartzman and Murray in order to alert the user there is an incoming call by vibrating mode.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Kubler et al. (Pub. No.: US 2004/0146037) is not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-

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8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (571) 272-2600 FOR THE SUBSTITUTIONS OR COPIES.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 20, 2005
Examiner

Tuan Pham


REXFORD BARNIE
PRIMARY EXAMINER